



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO. 177784-223	FILING DATE 10/28/91	FIRST NAMED INVENTOR WESTBROOK	ATTORNEY DOCKET NO. ARCD:010/UCH
-------------------------------	-------------------------	-----------------------------------	-------------------------------------

RONALD B COOLLEY
ARNOLD WHITE & DURKEE
PO BOX 4433
HOUSTON TX 77210

HM31/1120

EXAMINER FREDMAN, J

ART UNIT 1634	PAPER NUMBER 36/14
------------------	-----------------------

DATE MAILED: 11/20/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Notice of Allowability

Application No.
07/784,222

Applicant(s)
Westbrook

Examiner
Jeffrey Fredman

Group Art Unit
1634



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to September 04, 1998

☒ The allowed claim(s) is/are 1-3, 5, 6, and 8-35

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☒ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Art Unit: 1634

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Nakashima on October 8, 1998.

2. The application has been amended as follows:

In claim 1, last sentence, the phrase ~~wherein said probes are of sufficient length to be specifically detected in cytogenetic analysis--~~ was inserted after "aberrant chromosome".

In claim 2, last sentence, the phrase ~~wherein said probes are of sufficient length to be specifically detected in cytogenetic analysis--~~ was inserted after "aberrant chromosome".

In claim 34, last sentence, the phrase ~~wherein said probes are of sufficient length to be specifically detected in cytogenetic analysis--~~ was inserted after "aberrant chromosome".

3. The following is an examiner's statement of reasons for allowance: The claims are drawn to a composition of two probes, one BCR and one ABL, which probes are separately labeled and of sufficient length to be specifically detected in cytogenetic analysis. The prior art probes of Kawasaki, while represented by a BCR and ABL probe, are not separately labeled and would not be of sufficient length to meet the functional test of specific detection. The other cited prior art

Art Unit: 1634

does not suggest the synthesis of longer BCR or ABL probes, nor is there specific suggestion in the cited prior art for a dual labeled probe for the detection of the philadelphia chromosome.

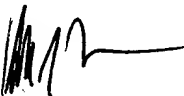
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Fredman, Ph.D. whose telephone number is (703) 308-6568.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached on (703) 308-1152.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Group 180 by facsimile transmission via the P.T.O. Fax Center located in Crystal Mall 1. The CM1 Fax Center numbers for Group 1800 are either (703) 305-3014 or (703) 308-4242. Please note that the faxing of such papers must conform with the Notice to Comply published in the Official Gazette, 1096 OG 30 (November 15, 1989).


Jeffrey Fredman
Primary Patent Examiner
Art Unit 1634

October 8, 1998